of the two Houses, or either of them, and had therefore ruled the motion out of order. Mr. Cobb, of Georgia, appealed from the de-

cision of the Chair.
Mr. Mason, (presiding,) in reply to the quiry of the gentleman from Georgia, stated that it was the judgment of the Chair that the Senate was sitting in the chamber of the House of Representatives pursuant to the Constitu-tion; that when the Senate might determine that its duties were ended, the presiding officer would receive the motion of any Senator to return to their own chamber, where its session would be resumed. The Senate was in sessio

Mr. Orr thought all difficulty could be obvi-ated if the two bodies would separate, and determine the question each for itself. This could be eff-cted by an interchange of messages between the two bodies, after which the joint convention could re-assemble.

Mr. Jones, of Tennessee. This convention will not separate until they receive the report which has been prepared by the tellers. It will then be for the convention to determine what they will do with the report.

Mr. Trumbull, of Illinois. The Senate is in session; we cannot vote here; and I move that we take a recess, and return to our own chamber-there to determine what course we wil Mr. Jones, of Tennessee, You must, in that

case, have the report of the tellers.

Mr. Trumbull. We do not want the report A difficulty has already arisen, and let us retire and dispose of it in the only constitutional way; and that is, in separate bodies. I move that the Senate retire to its chamber to consider

Mr. Mason, (the presiding officer.) The result cannot be officially known to either House until reported by the tellers, to whom the duty Mr. Washburn, of Maine. The tellers have

already declared the vote, and the President has announced who is elected President. It is not in order for the tellers to go over the count and report again, they having once reported to the Chair, and the result having been announced to the convention by the presiding officer.

Mr. Stuart, of Michigan. After the tellers

made their report, and the presiding officer of this body announced the result, the Constitution and the laws in pursuance thereof were fulfilled. I would suggest to the presiding officer that the Senate return to its chamber, without further discussion, and without any further proceeding.

The presiding officer put the question to the

Senate, whether it would return to its own chamber, and it was decided in the affirmative. The Senate thereupon retired in the order i

which it had entered the hall of the House. In the Senate, after that body had returne to its own chamber, Mr. Bigler made a report of the result which had been ascertained by a acrutiny of the electoral votes examined and counted in the convention, and stated the informality which had been found to exist in the return made by the Electors of the State of Wisconsin. Upon this, a discursive debate ensued, which was participated in by Messrs. Bigler, Hunter, Nowse, Butler, Stuart, Toombs, Adams, Douglas, Reid, Collamer, Hale, Toucey, Weller, Bell of Tennessee, and Crittenden. Various motions were made for the purpose of expediting a solution of the difficulty presented by the Sensitive of the return in question. Many Sensitive that the function of the convention of the two Houses had been fully discharged, and that no further proceedings were necessary in the case. O hers thought that the total votes of all the States could not be properly declared until the case of Wisconsin had been settled by the proper authorities; that is, by a joint decision of the two Houses of Congress with reference to the disposition that that the return should be counted, others that it should be rejected. Various resolutions ex pressive of these divergent views were present ed, modified, withdrawn, and laid upon the ta ble, during the session; and, pending the con sideration of a resolution offered by Mr. Crit tenden, the Senate adjourned, leaving the whole

matter in debate undecided. In the House of Representatives, also, after the Senate had retired from its hall a long disvote of Wisconsin. No decision was reached upon any of them at half-past four o'clock, when the House adjourned.

CONDITION OF MR GIDDINGS .- The Ashtabula (Ohio) Sentinel of the 5th instant, in speaking of the health of Mr. Giddings, who now is at

his home in Jefferson, says:

"Mr. Giddings states that when he first re covered consciousness, the past was a perfect blank; but his memory improved with every sound sleep, until it is now nearly restored. His nervous system was of course greatly affected, and has not yet recovered. His first and principal means of restoration was to turn his mind from business, particularly from subjects on which he was accustomed to reflect with unusual intensity. His physical health he regards as rapidly improving; and his memory appears to have improved in a manner nearly corresponding with his physical system. He seeks exercise in the open air, reads but little, sees company, and cultivates cheerfulness and case of mind. His physicians encourage the hope that he may have years before him, if he abstains from excite-ment and severe mental labor; while he himself appears conscious that a recurrence of the attack must prove fatal, and that the time o such recurrence is entirely uncertain. His complaint is styled 'atrophy of the heart.'

THE NEW CENT COINAGE .- The new conpiece, soon to be issued, is composed of coppe and nickel, and is about the size of a quarte eagle, as thick as the present cent, and but lit. tle darker than German silver. The obverse is a well executed figure of an eagle in full flight, with the date underneath, and the words "Uni ted States of America" above. The reverse is a fine executed wreath, representing all the principal staples of the country-cotton, corn, tobacco, wheat, grapes, &c.-with the words "ONE CENT" in the centre. It is stated by the officers of the Mint that at the present price of copper, and for several years past, there has been little or no profit on the issue of copper cents, and, in consequence of the low value of this coin, it might be issued at one-half its ent weight with a seigniorage profit, and without tempting the counterfeiter, because the profits on their issue would be too small to un dergo the risk of detection.

COLLISION ON THE OCEAN.-The ship Great Western, Captain Furber, belonging to Charles H. Marshall's line of Liverpool packets, arrived at New York on Thursday, in tow of the steamer Menemon Sanford, in a crippled condition. She had lost her mainmast, mizzen-topmast, and some of the forward yards, with all the spars and sails attached, and was otherwise damaged in her upper works. The cause of all this trouble was a collision with an unknown ship on Sunday night, the 8 h instant, when between George's Shoals and Nantucket—both vessels baying had a narrow escape from total destruc-

A very dense fog had enveloped the ship through the day, which the night rendered quite impenetrable, so that objects could not be dis-cerned half the ship's length. The ship was by the wind, with a good breeze, and the pas sengers were all below in their berths, when, all of a sudden, the bowsprit of a large ship was seen peering through the darkness. Captain Furber saw the apparition, but had only time to utter a loud command for every man to take care of himself, when the crash followed. Strange to say, not a person was killed amid this fearful crash. A woman and five children slept in the berths directly under where the topmast penetrated the deck, but they were no harmed; and a young woman in an adjoining berth was not made aware of the accident, unti awakened by a general scream from the frightened passengers. A spare main yard, which by fore and aft along the water-ways, inside of strong timber heads, was broken off, and no bt prevented a worse disaster to the side of Not a word was exchanged between vessels, and the unknown ship swung clear, leaving the fragments of her head-work upon the decks of the Great Western. The wreck was cleared away as soon as possible, the top mast being sawed in two, and the lower half left between decks. The holes in the side and to record. A block of six buildings was deon deck were covered with boards and canvass, stroyed, with the contents, four of which were

Mr. Mason (presiding) repeated that he could he judged to be the ship that had run into him. entertain no motion which would involve a vote The ship displayed her numbers, but, there be ing little wind to blow them out, he could not nake them out. The Great Western had or board about two hundred people.

# WASHINGTON, D. C. THURSDAY, FEBRUARY 19, 1857.

The office of the National Era is noved to the newly-erected "Republican Building," corner of Indiana avenue and Second

OUR FAITHFUL CORRESPONDENT, Mr. Kagi, we see by the newspapers, has had a difficulty with Judge Elmer, in which both were wounded the Judge severely. We have not seen a statement of the particulars, and know nothing but from a brief telegraphic despatch. Mr. Kagi, in a brief note to us, dated January 4th, says the ball he received has been extracted, and the wound is healing, but that he finds it yet rather difficult to write his usual letters.

Mr. Kugi, from what we can learn, acted strictly in self-defence. His activity and boldness have constantly exposed him to violence.

#### KANSAS

The bogus Legislature of Kansas, in repeal ng the act making the circulation of Anti-Sla very publications a capital offence, and the acmposing test oaths, seems to think enough has been done to satisfy its special friends in Con-

The next step is to provide for the organiza ion of a State Government, the fixed purpose being to keep the whole operation under the control of the men who have so long misrepresented and misgoverned the Territory. The joint committee of both Houses has reported a bill for taking the census, preparatory to a Convention to form a State Constitution. The census is to be completed, and the returns must be made before the 10th of April. To be enrolled n the list of voters, it is simply required that a person shall be a citizen of the United States. and be in the Territory before or on the 1st of April. Nothing is said of actual settlement, so that People from Missouri, or anywhere else may be entered as voters. The census is to be taken by sheriff's and their deputies, or the county judge of probate, or where any of these s wanting, by agents appointed by the Gov. ernor. Full lists of voters are to be returned to the Judges of Probate, who are to hear and decide complaints till the 1st of May. The Governor, after having been furnished with corrected copies, shall make the proper appor ionment of delegates to a Convention, the number to be sixty. The election for delegates s to be held the first Monday in June next. The election shall be conducted in accordance with the so called laws of the Territory-places and judges of election to be appointed by the county courts. The Convention is to assemble the first Monday in September to frame a Constitution, &c.

This is the report of the Committee. What will be the action of the two Houses remains to be seen. Amendments may be adopted-but, as it stands, the whole business is committed to the Pro Slavery Party, and it is easy to see

## CENTRAL AMERICAN TREATY

It was supposed by many that the re-commit nent of the Central American Treaty in the Senate would be fatal to it, but it seems that it has been again reported and considered. It s said by some that it is the true policy of Mr or dading day only with your the they tries his friends are by no means harmonious in heir views of policy.

Some are conservative and peaceful, some progressive" and belligerent, and would deprecate any measure tending to close Central America against Propagandism. They would rejoice to see the present plan of arranging our lifficulties with Great Britain defeated.

Some time last September, the New York Herald published what purported to be a treaty between Great Britain and Honduras, surrendering all claim on the part of the former to the Bay Islands-Rustan, Bonacca, Helena, Utila. and Barbaretta -and constituting them free territory, under the sovereignty of Honduras. Honorable provision was made for the perpetual security of the rights of the inhabitants, as fol-

"The inhabitants of the free territory shall hen permanently possess the following rights and immunities:

"1st. To govern themselves by means of their wn municipal government, to be administered y legislative, executive, and judicial officers, f their own election, according to their own "24. Trial by jury in their own courts.

"3d. Pefect freedom of religious belief and worship, public and private.

"4th. Exemption from all duties of customs

and from all taxation on real estate or other property, except such as may be imposed by heir own municipality, and collected for the reasury of the free territory, to be applied for he benefit of the said free territory. "5th. Exemption from military service, except for the defence of the free territory, and within its bounds.

"The Republic of Honduras engages not to xercise its rights of sovereignty over the islands which are to constitute such free territory, in any manner, in violation of the rights and imnunities specified in this article. "The Republic also engages not to erect, nor

o permit to be erected, any fortification on the aid islands, or any other islands in the bay of Honduras, nor to cede such islands, or any of them, or the right of sovereignty over such slands, or any part of such sovereignty, to any ation or State whatever. " And whereas Slavery has not existed in the

said islands, the Republic of Honduras hereby engages that Slavery shall not at any time hereifter be permitted to exist therein."

We have italicised the Anti-Slavery clause This treaty seems to have been referred to in the Dallas-Clarendon Treaty, and recognised, Mr. Dallas overlooking the Wilmot Proviso in it; and it is this, we suppose, which chiefly perplexes our Senate. It is suggested that the reference in the Treaty, to the Honduras arrangement. be stricken out, and we suppose other amendments may be urged. But, we are in the dark. out for the hints thrown out by Washington correspondents, who discuss the subject as if hey knew all about it.

The consideration of the Treaty, we earn, has been postponed till the 5th March.

HERALDS OF FREEDOM .- We have received from the publisher, C. H. Brainard, of Boston, a Lithographic Print, in which are presented life-like portraits of Garrison, Phillips, Parker, Emerson, Smith, Giddings, and May, and which s intended as a companion to the "Champions of Freedom," formerly published. These porraits are drawn from daguerreotypes, by S. L.

We have also received, from the same publisher, an admirable portrait of Hon. Charles Sumner, of a smaller size than the one formerly published.

CONFLAGRATION AT LOUISVILLE.-LOU to keep out the sea and the falling rain and snow.

The next morning, Captain Furber saw a ship without a bowsprit and cutwater, which ship without a bowsprit and cutwater, which

COUNTING VOTES FOR PRESIDENT AND VICE PRESIDENT-DANGEROUS USURPATION.

A brief account from the National In elli gencer of the ceremony of counting the otes for President and Vice President, which took place on the 11th instant, appears on the first page of the Era. Our readers will observe that much embarrassment was occasionel by the irregular action of the Wisconsin Electors. Perplexing questions were started in regard to the powers and relations of the two Houses, sitting together, and as to what authority was ompetent to pronounce on the validity of regularity of a certificate. In a word, the pro. ceedings, from beginning to end, were concused and most unsatisfactory.

In governmental affairs, forms are sul star ces. | Inconsiderate departure from a well-esablished routine is apt to involve disagre able

We find no provision made in the Constitu tion or Laws of the United States for a joint convention of the two Houses of Con ress. They are always regarded as distinct, co.ordi nate branches-each, deliberating, debating, and acting for itself, and within aself. In the buiness of electing a President or Vice President, or counting the Electoral votes, they act distinctly and independently. If there be no election by the people, the President is chosen by the House, the Vice President, by is devolved the duty of receiving lists of -! the electoral votes, signed and certified, and open- had no legal effect whatsoever. ng them; and it is required that he shall open them "in presence of the Senate and House of Representatives," each maintaining is own overnment; for no authority is given to sither order or resolve of Congress.

to resolve itself into a convention. This matter was clearly understood by the first Congress under the Constitution, thich, n its action, furnished a form that ought to have been observed by the present Congress.

for the sole purpose of opening the certificates and counting the votes of the Electors of the everal States, in the choice of a Preside at and Vice President of the United States; and that he Senate is now ready, in the Senate Chamber, to proceed, in the presence of the Iouse, to discharge the duty; and that the jenate have appointed one of their members test at the Clerk's table, to make a list of the votes as they shall be declared; submitting it to the wisdom of the House to appoint one of more of their members for the like purpose."

This was not a joint or a concurrent resoluion, requiring the assent of both Houses. It was an independent order, of which the House was duly informed, that it might tak such action as should seem to 5t proper. Had it been a concurrent resolution, it must have been adopted by the other House, and have niceived he sanction of the President, before is could take effect. For "Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary, except on a question of ¿djournment,) shall he presented to the President of the United shall be approved by him, or being disapproved Senate and House of Representatives, according to the rules and limitations prescribed in

the case of a bill." The simple, independent order of the Senate voided this difficulty, and at the saute time maintained the distinct existence and action of he Senate in the business proposed. The history of proceedings is thus stated officially.\* he message; and Mr. Soudinot, from the House of Representatives, informed the Senate that the House is ready for hwith to me at them. to attend the opening and counting of the votes of the electors of the President and Vice President

ident of the United States.
"The Speaker and the members of the House purpose of counting the votes, declared that the enate and House of Representatives had met, and that he, in their presence, had opened and counted the votes of the electors for I-resident and Vice President, which were as follows: | Here follows the vote in detail. |

"Whereby it appeared that George Washington, E-q., was elected President, and John Adams, E-q., Vice President, of the United States of America.
"Mr. Madison, from the House of Represent

atives, thus addressed the Senate: "'I am directed by the House of Representatives to inform the Senate that the House have agreed that the notification of the election of the President and of the Vice President of the United States should be made by such persons and in such manner as the Senate shall be

The proceeding, from beginning to end, is simple, clear, and in perfect harmony with the Constitution. Throughout, it recognises the distinct existences of the Senate and House of Representatives. The House, in its porporate capacity, under its own Presiding Glicer, not as a mob, is in attendance in the Senate Chamber, where the Senate is in session, under its Presiding Officer, and each body wit jesses the opening of the certificates and the counting of the votes.

What is the object? To ascertain the Truthto prevent fraud or irregularity. By whom is this to be done? By the Representatives of the States, and by the Representatives or the People. Else, why are they required to be present? If there be evidence of fraud or irregularity, if a certificate on its face show that the electors have not complied with the Constitution and the Law, it is not for the P esident of the Senate, whose sole pusiness it is to open the certificates, to prenounce jud ment-to pass upon the validity or regularity of the docment-it is the right of each House, and, as each is in attendance in its distinct corporate capacity, it is the right of any men ber to except to a vote, not given in conformity to law f a Senator, the exception should be presented to the President of the Senate; if a I epresents tive, to the Speaker of the House. If of such a nature that it cannot be settled readi y upon the spot, the two Houses ought to separate, and each one has the right to suparate, and proceed to settle the difficulty by & Committee of Confer-

All this, it may be said, is a matter of opin on: the Law makes no provision on the subect. What shall constitute fraud cr irregularty, how they shall be excepted to and acted upon, by whom they shall be declared, how they shall be declared, and what shall be the effect, are questions not provided for by Law. That is true-and, therefore, the law-making power ought at once to supply this want Meantime, as such questions may again ar se as have arisen in this Wisconsin case, we nold that in view of the primary object of the Law requiring the votes to be counted in the presence of the two Houses of Congress, it is their right, and not that of the Fresident of the Senate, to decide upon the validity of a vote, when it is questioned. The Democratic principle, the safety of the Republic the rights of the States and of the People, the whole spirit of our institutions, requires that they, and n t the Presiding Officer of the Senate, have this power.

Let us now review the action of the present Congress in relation to the counting of Electoral votes. We shall see how a mischievous error in the start worked perplexity and confusion throughout the whole transaction.

\* Benton's Abridgement-vol.1, p. 10.

Wednesday, February 4th, Mr. Bigler, from the Committee appointed on the part of the Senate to devise a mode for examining the

Electoral votes, reported as follows: "Resolved, That the two Houses will assem ble in the Chamber of the House of Represent atives on Wednesday, the 11th instant, at 12 o'clock, and the President of the Semate pro tempore shall be the presiding officer; that one person be appointed a teller on the part of the Senate, and two on the part of the House of Representatives, to make a list of the votes as they shall be declared; that the result shall be delivered to the President of the Senate pro-tempore, who shall announce the state of the vote and the persons elected to the two Houses assembled, which shall be deemed a declaration of the persons elected President and Vice President of the United States, and, together with a list of votes, be entered on the Journals of the two Houses."

The resolution was agreed to, and, on motion of Mr. Bigler, it was ordered that the teller or the part of the Senate be appointed by the Pres

ident pro tempore. A cruder, more mischievous resolution on such a subject could not well be framed. Mark-it is a concurrent resolution-it requires to give it effect, the action of both Houses-but all such resolutions must be submitted to the President for his judgment, and if disapproved of by him, be repassed by a two-thirds vote in each House, before they can take effect. It was sent to the House of Representatives, agreed the Senate. Upon the President of the Fenate to without the slightest consideration, but it was not submitted to the President, and therefore

In the first place, then, let it be borne in mind that the counting of the votes of electors for President and Vice President of the United official existence, its rules of order, and its States, was not done in pursuance of any legal

2dly. The resolution vacates the chair of the House of Representatives, and instals the President of the Senate, as the presiding officer over both of them-thus treating them as one body, a Convention, with one presiding We find in the record of the proceedings of officer-a procedure directly in the face of the he Senate, April 6th, 1789, the following order : action of the First Congress, quoted above, ut-" Ordered, That Mr. Ellsworth inform the terly unauthorized by the Constitution and the House of Representatives that a quorum of the Law, and null and void, not only for this reaenate is formed; that a President is elected son, but because no such resolve could be obligatory, even if constitutional, without the assent of the President. We might point out other objections to the

resolution, but the two named already, are fatal. In relation to the second, we may remark that its operation was peculiarly mischievous, in conveying the impression that the two Houses were in joint convention, not sitting as co-ordinate bodies. Accordingly, we find that when the Senate, preceded by its President, entered the hall of the House, and the President took his seat, the Speaker, under the illegal resolution, vacated his office for the time, as the head of the House-members addressed the President of the Senate, motions were addressed to him alone, the phrase, "joint convention," was repeatedly used : the House, as a distinct co-ordinate body, seemed to have no existence. If a Representative attempted to address the President, debate and motions were ruled out of order; fraud or irregularity there might have been on the very face of the certificates; States; and before the same shall take effect, head, and the Presiding Officer of the Senate tificates, presented by anybody. Was ever a more absurd spectacle presented? Did the House of Representatives of the United States ever occupy so ignoble a position? What right had it to sink itself, its authority, its right of independent action, under the rule of the Presiding Officer of the Senate? The resolution of Mr. Bigler, adopted by the Senon, deposing the 'Speaker or the' rouse, and installing the President of the Senate as the Presiding Officer over both bodies, was the root of all the mischief. As in the first Congress, so in this, the two Houses ought to have met, as co-ordinate bodies, to ascertain whether of Representatives attended in the Senate the certificates of election were legal, and Chamber; and the President, elected for the the votes counted correctly. The Speaker ought to have maintained his place; the only duty of the Presiding Officer of the Senate, in addition to his ordinary ones, was to open the certificates. If a Representative felt it his duty to object to any paper, his remarks should have been addressed to the Speaker of the House : and so in relation to Senators-they should have addressed their President. It was the duty of the Speaker to entertain an exception or protest presented by a member, as it was of the President of the Senate to entertain an exception or protest presented by a Senator; and in either case the counting ought to have been suspended until the matter could be settled by each body, for itself, either acting on the

spot, or, if necessary, separating.\* The scene was disgraceful, especially to the House, which, as representing more immediately the rights of the People, would do well never again to commit such an act of self-abnegation. Let us have no more concurrent resolutions without Presidential sanction; no more esolutions for the deposition of the Speaker of the House and the installation of the President of the Senate, as the Presiding Officer of a Joint Convention, unknown to the Constitution and Laws, in which the House disappears and the sole Power, visible, is in one man, bearing the title of President of the Senate : in which the whole question, who shall be President of the United States, is placed in the hands of one man, whose decision is final and irreversible!

As to the merits of the case presented by the Wisconsin vote, we see not how there can be two opinions. Mr. Mason, President of the senate, denied that he had passed any judgment in regard to its validity: Mr. Buchanan had received a majority of the whole number of votes cast, whether Wisconsin were included or not; so that, in announcing the result, he did not pronounce on the validity of the Wisconsin vote. This is hardly correct. The subject is important, as it may be drawn into a precedent: let the facts therefore be clearly

When the tellers came to the State of Wis consin, "it appeared," says the official record in the Globe, " from the certificate of the Electors of the State of Wisconsin, that the electoral vote of that State had not been cast on the day prescribed by law."

Mr. Letcher desired to direct attention this point; but the Presiding Officer consid ered that "debate is not in order while the tellers are counting the votes." Now, had Mr. Letcher recognised the fact

that the House was in session, he would have addressed his remarks to the Speaker, and moved on the spot that the vote be not counted. It would have been, we hold, the duty of the Speaker to entertain the motion, of the House, to act upon it, and of the Presiding Officer of the Senate, to suspend the counting till the case should be decided. The Wisconsin vote was counted and

count having been completed, Mr. Jones, of Tennessee, one of the tellers, repeted. He

"Mr. President, the tellers appoined on the

electoral vote in that State on the 4th of December, instead of on the the first Wednesday of December, (which was the 3d,) as required by law. All the returns show that James Buchanan, of the State of Pennsylvania, received 174 votes for President of the United States; that John C. Fremont, of the State of California, received — including the votes of Wisconsin—114 votes for President of the Uniof New York, received 8 votes for President of the United States; that John C. Breckinridge, of the State of Kentucky, received 174 electoral votes for Vice President of the United States;

hat William L. Dayton, of the State of New

Jersey, received—including the five votes of Wisconsin—114 electoral votes for Vice President of the United States; and that Andrew Jackson Donelson, of the State of Tennessee, received 8 electoral votes for the Vice President of the United States of Tennessee, received 8 electoral votes for the Vice President of the United States. The tellers, under the direction of the Presilent, receive the vote of Wisconsin, and include t in the summing up of the votes given to Mr.

Again Mr. Letcher made an an effort-" Is in order now to move to exclude the vote of Wisconsin from that count?

"The Presiding Officer. No debate is in order, in the opinion of the Chair.
"The Presiding Officer proceeded to reco pitulate the vote, as announced to the joint Convention by Mr. Jones, of Tennessee, one of the tellers upon the part of the House, and then said: Thus it is reported by the tellers, that the whole number of Electors appointed to vote for President and Vice President of the United States is 296, of which 149 make a majority. The state of the vote for President of the Un ted States, as delivered by the tellers, is-for ames Buchanan, of Pennsylvania, 174 votes : for John C. Fremont, of California, 114 votes; for Millard Fillmore, of New York, 8 votes; he state of the vote for Vice President of United States, as delivered by the tellers, isor John C. Breckinridge, of Kentucky, 174 votes; for William L. Dayton, of New Jersey, 114 votes; and for Andrew J. Donelson, of

In further execution of the concurrent order the two Houses, the Presiding Officer therefore declares that James Buchanan, of the State of Pennsylvania, having the greatest num-ber of votes for President, that number being majority of the whole number of Electors, has been duly elected President of the United States for the term prescribed by the Constitution, to commence on the 4th of March, 1857. also declare that John C. Breckinridge, of the State of Kentucky, having the greatest number of votes for Vice President, and that number being a majority of the whole number of Electors, has been duly elected Vice President of the United States for the term prescribed by he Constitution, to commence on the 4th day

Now, remember, this statement and declaraon, in pursuance of the preliminary resolution of Mr. Bigler, are entered upon the Journals of both Houses. Mr. Mason says he passes no adgment on the vote of Wisconsin. The record entradicts him. He permits the tellers to reeive the vote, count the vote, report the vote, clude it in the summing up for Mr. Fremont. and, at every stage of the proceeding, refuses to plunge into the immense debates of the last ten ntertain any protest, exception, objection, or notion concerning it: and then, in his own old Roman, "help me, Cassius, or I sink!" statement, he avers that 296 votes have been 174, Mr. Fremont 114. He does not add, "in- of crushing these verbose speeches within cluding the vote of Wisconsin," nor does he due limits, the question may well be askedallude to any irregularity about it. His as- To what is he not equal? nouncing judgment on the validity of the vote. the Electoral vote of Wisconsin, cast on the 4th day of December, as valid, but arbitrarily ruled out of order all attempts to question its ding it.

We protest against such usurpation of power, and we deny that 296 electoral votes were cast at the late election, or that Mr. Fremont received 114. The whole number of votes cast was only 291, and Mr. Fremont received only

The statement made by Mr. Mason, Presiding Officer, was not true, and a few words will show that it was not.

The Constitution of the United States (Art. 1) provides as follows: "The Congress may determine the Time of

choosing the Electors, and the Day on which they shall give their votes, which Day shall be the same throughout the United States," Congress, exercising the authority conferred by this provision, passed an Act, dated March 1, 1792, concerning the election of a President

and Vice President, determining the Time of choosing the Electors, and the day of voting by the Electors. Section first provides that " Electors shall be appointed in each State," "within thirty-days preceding the first Wednesday in December, 1792, and within thirty-four days preceding the first Wednesday in December in every fourth year succeeding the last election." And Section second provides that, "the Electors shall meet

and give their votes on the said first Wednesday in December, at such place in each State as shall be directed by the Legislature thereof." It will be observed, that the Constitution itself requires that the Electors shall vote "on

the same day throughout the United States." The Law, in this respect, simply embodies the

Under the Law, December 3d, 1856, was the day on which the Electors were required to Electors, prevented by inclement weather from meeting on that day, did not meet till the 4th, when they proceeded to vote. Was this act Read the Law-the day on which the Electors in each State shall meet to cast their votes shall be the first Wednesday in December." Note the fact-the day on which the Wisconsin Electors cast their votes was Thursday, (4th.) This was not in conformity to the Constitution and the Laws, and therefore the act was null and void. It is no answer to this to say that Wisconsin did cast her votes for Fremont and Dayton-nobody denies it-all the records

prove it-a Sovereign State ought not to be disfranchised. There is but one way in which a Sovereign State can vote for President and Vice President; and if, from any cause, this mode is not conformed to by her, she loses her vote. Any other rule would introduce utter anarchy. Nor is it any answer to say that the roads were impassable—rivers unfordablethe Electors were absolutely prevented, by causes beyond their control, from meeting and voting on the day appointed. The Constitution and Law make no exception, no qualification, no provision in regard to weather or accident. Had all the Electors been stricken down by Pestilence, or act of God, so that not one could have been present on the day of voting

fixed by Law, Wisconsin would have still lost her vote. It would have been her misfortune. but one not to be remedied by a violation of the Constitution. What right has Congress, or either branch it to alter, repeal, or annul, by simple revotes given for President and Vice President of the United States for the Constitution? When the Constitution? When the Constitution and the Law require that the Electors of the United States for the United States for the Constitution of the United States for the United States for the Constitution of the United States for the Constitution of the United States for the Constitution of the United States for the United States for the Constitution of the United States for the Constitution of the United States for the United States for the Constitution of the United States for the United States for the Constitution of the United States for the United States for the Constitution of the United States for the United States for the United States for the United States for the United Sta

amined all the returns, and find that they were all regular, and that the votes were ast on the day required by law, except in the case of the "Committees of Conference, of course, bing appointed, on differences between the two bodies should they that if prevented by unavoidable obstacles"

solve, the Constitution? When the Constitution? When the Constitution? When the Constitution? It is an insect often found in the West Indies, but until lately unknown in Louisiana. The severe cold of last winter, while it nearly destroyed the crop on hand, also destroyed that mischievous insect and the other causes of disease, whatever they are. An unusual breadth of land has been planted this year, and, with ing as an amendment:

votes cast by the Electors of the State of Wis- from meeting and voting on that day, they anything like a fair season, in his opinion, an consin. Their returns show that they cast their | may vote on any other, and their vote shall be | average crop will surely be made. regular? How is it, that among men of common sense there can be the slightest difference of opinion in such a case?

There are some people so intent on immediate partisan success, that they are apt to set aside a sound Principle, whenever it operates inconveniently. Let us put a case to Republicans ed States; that Millard Fillmore, of the State of this stamp. Suppose the result of the next Presidential election should depend upon the question, whether the electoral vote of South Carolina, (cast on the 4th day of December, 1859, instead of the 3d, as prescribed by the Law, owing to unavoidable causes,) should be received and counted, as this Wisconsin vote was received by Mr. Mason, would they be satisfied with the precedent now on record? Would they sustain similar conduct on the part of the Presiding Officer, in ruling out all motions to question its validity? Would they find in the popular clamor about disfranchising a sovereign State, any good reason for a palpable violation of the Constitution and Laws?

Better adhere to a sound Principle, however it may operate, whatever it may cost of temporary advantage. Adkere to it because, first of all, it is right; and then, because it is wise.

## BENTON'S ABRIDGEMENT.

BRIDGEMENT OF THE DEBATES OF CONGRESS, from 1789 to 1856. By the Author of the Thirty Years' View. Vol. I. New York: D. Appleton & Co. For sale by W. M. Morrison, Pa. avenue, Washington, D. C.

This is the first volume of Mr. Benton's nev and important work. It is a large octavo, in double columns, of 800 pages, well printed, well got up generally, with a carefully prepared index and head lines, indicating dates, topics of debate, and the House in which the proceedings are going on-in a word, meeting satisfactorily the wants of the reader and the student. In the titlepage, he names as the sources of his compilation, "Gales & Seaton's Annals of Congress, their Register of Debates, and the Official reported Debates by John C. Rives," not having looked beyond the compilations of Gales & Seaton, to the sources whence they drew their materials. At least, so we infer from the fact that they are not named. The debates and proceedings of Congress for

seventy years fill more than a hundred volumes, ome of them quarto, cannot be bought for less than \$500, and contain such an amount of perfectly-useless stuff as makes the really important matter almost inaccessible to the public. Mr. Benton proposes the herculean task of analyzing the whole, separating the wheat from the chaff, and presenting all that is valuable in some fif. teen or sixteen volumes like the one before us, which contains an abridgement of the proceedings and debates down to the end of the first session of the Fourth Congress.

Thus far, and until the advent of modern Senatorial oratory, he may find the task not absolutely exhausting; but when he shall years, he will have to exclaim, with another

Mr. Benton is capable of a great deal, but it ast, of which James Buchanan has received he can survive the terribly exhausting process

cast, and Mr. Fremont has received 114 of quires vast industry, great care, strict consci- as the surplus in the Treasury is nineteen milthem. He may disclaim the intention of pro- entiousness, thorough knowledge of our insti- lions, and will be forty-three millions a year tutions, the history of the country, and of all hence, why not do the best thing possible, and but the official record shows, in black and the great questions of public interest, and a cut down the revenue ten or fifteen millions, by mittee. white, that he has done so : not only recognised calm, clear, unprejudiced judgment. There is simply enlarging the free list-free salt, free little in its performance to gratify the pride of wool, free sugar, as we have now free tea and authorship-for the Public at large will never | coffee-that would be something.] know or appreciate what it has cost the auknow what he ought to omit, and what he has omitted.

#### THE SENATORIAL ELECTION IN CALI-FORNIA.

The Legislature of California met in joint convention on the 10th January. D. C. Brod-

erick was elected for the long term-the vote standing-D. C. Broderick · . E. Stanley - -J. W. Coffroth . J. B. Weller - . . . Bynum -William M. Gwin was chosen for the shor

erm, by the following vote-William M. Gwin . . H. A. Crabb . A. A. Sargeant - -Stanley . . . .

Dr. Gwin, in an address to the people of Calfornia, denounces the Federal Administration for working against his re-election, pledges him self hereafter to turn away from Federal patronage, and look alone to his State, and acknowledges his obligations to the good will of Mr.

"To the Federal patronage in the State do I attribute, in a great degree, the malice and hostile energy, which, after years of faithful public service, and towards the closing period of life, have nearly cost me the endorsement of a re-election to the United States Senate. From patronage, then, and the curse it entails, I shall gladly in future turn, and my sole labor and am-bition from henceforth shall be to deserve well of the State, and to justify the choice of the Legislature in honoring me a second time as the representative of its interests.

"I have hinted above at aid other than that cast their votes. This duty was discharged in friends. I refer to the timely assistance acordeach State, except in Wisconsin, where the ed to me by Mr. Broderick and his friends. Although at one time a rival, and recognising in him even a fierce, but manly opponent, I do not hesitate to acknowledge, in this public manvalid? Read the Constitution—the day on sion and hostility, in what we conceived to be ner, his forgetfulness of all grounds of dissenwhich the Electors shall cast their votes "shall a step necessary to allay the strifes and discords be the same throughout the United States." which had distracted the party and the State. To him, and to the attachment of his friends to him, I conceive, in a great decree, my election is due; and I feel bound to him and them in said members, and was referred to the Commit common efforts to unite and heal, where the result heretofore has been to break down and destroy."

> THE BURDELL CASE.-We are glad the ex amination of the Burdell murder has been closed. Hundreds of columns in the New York papers have been devoted to it during the last two weeks. It would seem as if the popular taste delighted in nothing half so much as in the details of loathsome crime.

The substance of the verdict of the coroner's ury is-"that Emma Augusta Cunningham, the reputed wife of Dr. Burdell, and John J. Eckel, were principals in the commission of the murder; that George Vail Snodgrass either joined them in the murder, or was an accessory thereto before the fact ; and that the two daughters of Mrs. Cunningham have some knowledge of the facts in the case which they have concealed from the jury, and ought also to be held for the future action of the grand jury.

PROSPECTS FOR THE NEW SUGAR CROP.-At a meeting of the Louisiana Agricultural Society, held recently, a paper was read from Judge Post, President of the Society, in which he informs the Society that the future prospects of the sugar interest in Louisiana have undergone an unexpected and highly favorable

If the friends of free sugar persist in their sgitation, we should not wonder if the sugar planters should quit complaining altogether, and find out that the cane was never healthier, the season better, the extent of planting greater, the prospect brighter. Really, it is time to have done with such trifling.

SENATORS FROM CALIFORNIA .- Messrs. Brodrick and Gwin have been elected Senators from California. The announcement in the newspapers is accompanied with the following

"It is generally supposed that Gwin's elecion as United States Senator resulted from a lisgraceful bargain dictated by Broderick, who mmanded sufficient votes to secure the election of whomsoever he pleased. So says the Alta California."

This may be true-political virtue is too rare body; but we hate insinuations. If there has been a disgraceful bargain, and anybody knows it, he ought to speak out boldly, and prove it, or hold his peace.

## NICARAGUA.

The friends of Walker report that he has an effective force with him of 1,200 men, all in good health, well provided, and strongly fortified. Nobody else seems to be in possession of on the 4th of December, instead of the 3d, was this intelligence. The following is from the

Panama Star and Herald, January 30th . "We are indebted to Mr. Muncey for the following telegraphic report, received by the British steamer from San Juan del Norte: "The Thames, from Greytown, January 18th, arrived here at 10 o'clock this The Costa Ricans have taken possession of Virgin Bay, and have landed a sufficient force to hold their possession. It is further reported that they have also taken San Juan del Sur,

and that Walker is at San Jorge. "The fleet at Greytown consists of Her Mai esty's ships Orion, Tartar, Cossack, Intrepid and Victor. "The Thames brought 30 deserters from

Walker's army."

## CONGRESS DURING THE WEEK.

The motion in the Senate, 10th instant, to refer the credentials of Mr. Fitch, of Indiana, to a Select Committee, failed, and all the papers in his case were referred to the Judiciary Committee.

The motion, same date, in the House, to refer the Submarine Telegraph bill to the Post Office Committee, the object being to destroy rogative of recognising and counting whatever the measure, was decided in the affirmativeyeas 99, nays 87. We are glad to notice that a majority of the

being favorable to a measure honorable to the government? civilization of the age. The House, in Committee of the Whole on he state of the Union, then resumed the conideration of the project to reduce the tariff.

Mr. Boyce, of South Carolina. He called attention to the fact that there was now a surplus of nineteen millions in the Treasury, and in 1858 there would be forty-three millions. At first, he was in favor of a reduction of duties on the basis of the first tariff, but now he would not be content with anything less than a radical change-free trade and direct taxation.

[Very good, if you could get it, Mr. Boycebut, as you know that there is not the slightest | tion bill, and non-concur prospect of such a consummation at present.

In the evening, Mr. Kelly, of New York, made a political speech, on that original sub- country with regard to that article for the past ject, the Kansas-Nebraska bill, claiming that third of a century, to show that it had not ef

New York. Mr. Kennett, of Missouri, took exceptions to expense of the mining interests of the country. satisfied that a moderate protection was re-Mr. Davis, of Massachusetts, took the fishe quired for the great interests of the country. ries under his protection, considering them as must be protected.

terest to look after. Government must foster and by and by a combination of local inerests is formed, which effectually prevents all reforms or any consistent application of sound | when the Committee rose. principles in commercial legislation.]

of the vote by which the Submarine Telegraph bill had been referred to the Committee on the neasure again within the power of the House. proceeding of counting the votes for President and Vice President of the United States, an account of which is given on our first page.

presented a sworn copy of an extract from the Journal of the House of Representatives of Iniana, embodying a protest, signed by thirtyive members thereof, against the recent election of U. S. Senators in that State, declaring that there was no agreement of the two Houses, by resolution or otherwise, to elect United States Senators on that or any other day; that it was an assemblage of individuals, not in a legislaive capacity, not convened by authority of any law or resolution whatever, without precedent in the history of the State; that there was not a constitutional quorum of either House in attendance, and less than a majority of one o them; that the time, place, and manner of said election had never been agreed on by the Legislature, as required by the Constitution of the United States, or even of either branch of said | cent-not distribution of the surplus revenue-Legislature; and that to legalize said election would be to destroy the legal existence of the General Assembly, and trample on the Constition of the State, which requires two-thirds of

ee on the Judiciary. The Washington Union, in the face of this and of the decision of the Senate in the case of Mr. Harlan, says that the highest judicial and legal authorities in the State of Indiana had been consulted, and had given their judgment in favor of the procedure thus protested

The above protest is sworn to by two of the

against!] Mr. Wilson submitted the following resolu ion, which was read :

Resolved, That the Committee on the ffice and Post Roads be instructed to inquire to the cause of the fai'ure of the mails between

New York and Washington during the present ession of Congress, and to report what legislation, if any, be necessary to remedy the evil.

Mr. Wilson observed that the mail had failed hirty-eight times between New York and Washngton during the present session, which clearly roved to his mind that there was something wrong, either in the lines conveying it, or in th ontractors. Wherever the evil was, it certainly ought to be remedied; and he would ask he adoption of the resolution

The resolution was agreed to. Mr. Weller called up for consideration the following resolution, submitted by him yester-

Resolved. That a committee of one member of the Senate be appointed by this body, to join a committee of two members of the House of Representatives, to be appointed by the House,

"That the declared vote of the State of Wh nsin in the late Presidential election, bei given on a day different from that prescri by law, was therefore null, and ought not to have been admitted and included in the count dential election.

f the electoral votes given in the late Presi After some discussion-Mr. Benjamin moved to lay the resolution or

the table; which motion was agreed to. A struggle now took place as to the priori of Wisconsin, which resulted, as is com such cases, in doing no business at all. A message was received from the House Representatives announcing that it had masses a resolution appointing a committee on the

part to wait on the President and Vice Pres lent, and inform them of their election. In the House, same day, all attempts to co to any understanding in regard to the process ings in relation to counting the votes vesterday were abandoned, and the House, on motion of Mr. Jones, adopted the following resolution : Resolved, That two members of the House be appointed by that body, to join a committee commodity-it is easy to believe evil of any- of one member of the Senate, to be appointed by that body, to wait on James Buchanan,

Pennsylvania, and inform him that he has been

duly elected President of the United States for

four years, commencing on the 4th day of March

1857; and also to inform John C. Breckinridge

of Kentucky, that he has been duly elected Vice President of the United States for four years from the 4th of March, 1857. A resolution, introduced by Mr. Dunn, of In liana, proposing to declare that the vote of W consin could not be counted, having been given ruled out of order by the Speaker.

1So ended the matter concerning the counting

of votes and the vote of Wisconsin. Never before were so many unconstitutional and illegal acts done in so brief a period. First, a resolution, requiring concurrent action on the part of each House, was agreed to by each, and acked upon, without having been previously submitted to the President for his approval or disapproval, according to the Constitution. Secondly, in virtue of that resolution, the House of Representatives dissolved itself as a distinct, co-ord nate branch of the Federal Legislature, merged itself in the other branch, submitting to its President as its own Presiding Officer. Thirdly, the vote of the Electors of Wisconsin, cast on the 4th of December, instead of the 3d, the day prescribed by law, passed in direct pursuance of the Constitution, was received, counted, and included in the regular vote given for Mr. Fremont. Fourthly, the President of the Senate would not entertain any questions from Representatives or Senators, from House or Senate, at any time during the proceedings, but assumed the prolist of votes was opened by him.

What has become of the intelligence and selfrespect of the Senate and House of Representa-Republican members voted in the negative, tives, what of our boasted knowledge of self. The House resumed the consideration of

resolution declaring that John W. Whitfield is not entitled to a seat in the House as the Delegate from the Territory of Kansas, reported vesterday from the Committee of Elections. The vote on the motion made yesterday, by Mr. Akers, of Missouri, to lay the resolution on the table, was then announced to be—yeas 93, nays 95. So the motion was disagreed to. After a brief conversation, the further cor sideration of the subject was postponed until Saturday week.

The House concurred in one amendment of the Senate to the Military Academy approprialution was adopted, terminating the debate in Committee of the Whole on the tariff bill on Monday next, at four o'clock; the said debate .

to be confined to the subject before the Com-The House then went into Committee of the Whole on the state of the Union, Mr. H. Mar shall, of Kentucky, in the chair, and resumed the consideration of the bill reducing the days Mr. Granger, of New York, was apprehensive on imports, and for other mirrors addressed the more, import less, and keep our specie at home. Committee in favor of the abolition of the duty on wool, and reviewed the legislation of the

ts sublime policy originated in the State of fected an increase of its production nor an ad-Mr. Eustis, of Louisiana, argued against the the tariff bill of the committee, but he was in abolition of the day on sugar; and in the favor of judicious protection, though not at the course of his remarks declared that he was Mr. Covode, of Pennsylvania, contended that the nurseries of American seamen. They, too, the difficulties of the manufacturers would not be overcome by taking the duty from foreign Thus they argue. Each one has a local in- wool, but, on the contrary, that they would be increased, as the effect would be to lessen the

production at home. He also spoke in favor

f protecting the mining interests. Mr. Smith, of Virginia, obtained the floor. [Mark, what identity of interest between On the 11th, Mr. Barbour, of Indiana, was the large capitalists of all sections-North, considerate enough to move a reconsideration Middle States, South. Manufacturing, mining, and planting, go hand in hand-every one de-Post Office and Post Roads. This brought the manding special favor, supports the special claims of every other. Mr. De Witt goes for The rest of the day was occupied with the taxing sugar, and the planters of the South shake him by the hand with excessive warmtha literal fact. Mr. Covode goes for taxing In the Senate, February 12th, Mr. Trumbull wool, and every wool-grower protectionist will

of course remember iron and coal. In this way are the burdens of the People kept up.] Mr. Campbell, of Ohio, introduced a bill to provide for the deposite of the surplus in the Freasury of the United States with the several States; which was read twice, and referred to the Committee of Ways and Means. And then, at four o'clock, the House ad-

[This bill will furnish another motive for loing nothing with the tariff-nothing to diminish the taxes of the People, and the consequent surplus in the Treasury. It holds out hopes of enlarging the revenues of the States by Federal largesses. The former is very innonot a gift - O no! only a deposit, to be reclaimed by the Federal Government, whenever necessary! Mr. Smithson's bequest was deeach House to constitute a quorum for the posited with the State of Arkansas, subject to transaction of any business. reclamation; but it is deemed now, we believe, a fugitive beyond the power of recapture. The very simple process of adding a few articles to the free list would bring down the revenue to quite a safe point; but as the coal and iron, the woollen and cotton, and the sugar interests will not tolerate this, the Federal Government must go on, taxing the People beyond measure, heaping up gold by the million, till it amass so much, that it must divide it among the States, to encourage them in unthrift and extravagance!]

In the Senate, February 13, it was resolved to meet next Monday and thereafter at 11 o'clock, A. M. The day was occupied chiefly with the discussion of a bill to refund money advanced a long time ago by Maryland and Virginia to the United States, as an inducement, if we mistake not, to locating the Capi tal in this place. The bill at last was read a third time and passed. In the House, same day, the various com

mittees being called upon, made reports on private cases, and the House then went into Committee of the Whole on the private ca'endar. One or two bills were disagreed to, a few were laid aside to be reported, and the Committee rose, and the House, without acting upon any of them, after hearnig the report of the committee of conference on the disagreement between the two Houses in relation to amend ments to the Military Academy bill, adjourned. In the Senate, February 14, Mr. Weller moved that the Senate proceed to consider the bill of the House of Representatives for the construc-

poses; which motion was agreed to.

Mr. W. said that practical men were far better road-makers than officers of the army. The delegates from those Territories in which mili-tary roads had been made, had frequently comlained of the manner in which the mo